

[Sri B. Narayanaswami Nayudu] [13th December 1938.
even in the Select Committee. But I suppose this House is not going to deprive or efface its own powers. Therefore I propose this amendment for the acceptance of the House.”

Sri Rao Bahadur N. R. Samiappa Mudaliyar seconded it.

* THE HON. MR. YAKUB HASAN:—“ According to the constitution, all financial matters are disposed of by the Legislative Assembly only. The annual Budget and other things of that sort, go only before the Assembly and they do not come before the Council. In the same way, according to the constitution, this question too cannot be brought here. It must only go before the Assembly. Therefore I oppose this amendment.”

The amendment was put and lost.

Clause 4 was then put and carried.

Clause 1 and the preamble were put and carried.

* THE HON. MR. YAKUB HASAN:—“ I beg to move—

‘ that the Bill be passed into law ’.”

The motion was put and carried and the Bill was passed into law.

III.—THE MALABAR TEMPLE ENTRY BILL, 1938 (L.A. BILL No. 21 OF 1938), AS PASSED BY THE ASSEMBLY.

* THE HON. SRI C. RAJAGOPALACHARIAR:—“ Sir, I beg to move—

*‘ that the Bill * to remove the disabilities of certain classes of Hindus in regard to entry into temples in the district of Malabar (L.A. Bill No. 21 of 1938) as passed by the Assembly, be taken into consideration at once.’*

“ In moving it, I do not wish to take up much length of time. I come for the blessing of this House of Elders for a measure which is fraught with great importance in all aspects of national life. It is not merely a particular district measure; it is not merely a particular department for improvement. It may seem to be only a measure in respect of a particular district; it may seem to be only a measure for allowing a few more people into an institution which is looked upon by most of the worldly-minded people as almost a right to close it for others. But, Sir, it is in the conviction that it is not a parochial matter but ultimately a matter of utmost national importance, not merely a matter dealing with any particular institution but a matter that will affect life as a whole in our country, that I ask for the blessing of this House for this measure.

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"In the course of the discussion, points will be raised, either in the general discussion or by way of amendments, which will need explanation from me, and if they are called for, I shall make a few remarks. But, at present, speaking broadly, I can only say that although it is a stale matter of grievance the remedy is yet to come. Therefore we may act seriously and purposely. It is not a matter of a word here or a word there or an amendment here or an amendment there but it is a matter which involves and demands the solid resolution of all classes of the people in a spirit of utmost patriotism and mutual co-operation. I move, Sir, for the consideration of the Bill and I hope that this House will at once take it into consideration and proceed to pass it into law."

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SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, I raise a point of order, that the Bill is not in order by reason of sections 99 and 100 of the Government of India Act. The lists provided for in section 100 do not mention the subject of temples. The only item in the List of Provincial Legislation is number 34 which mentions only endowments and not temples. Therefore it is a subject not in the lists, either the Provincial or Concurrent or Federal list. What is to happen if a subject is not provided in any list is provided for in section 104 which requires that the Governor-General may empower either Legislature to enact the law, by public notification. In the absence of any such notification and seeing that the subject of temples is not in the lists, I submit this legislation is not in order."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I only wish to submit, Sir, that this point has been raised and discussed before. The point that is raised is that temples as such are not included in any of the lists and that endowments alone have been included and that therefore this Bill is not within the competence of our Legislature and therefore of this Chamber. The other Chamber has dealt with the point but that is nothing. It is open again for any Member of this Chamber to raise the point. I submit the point is not correct. There is need for the amendment of the Hindu Religious Endowments Act which has been passed by this Legislature and this is specifically referred to in one of the clauses of this Bill. If reference is made to the report out of which these schedules issued, it will be seen that reform and change in respect of this very matter was contemplated and expressly considered to be peculiarly fit for the Provincial Legislature to dispose of. The literature on the subject is available to all Members and I need not take up the time of the House any further on that. This matter was quoted and was read by the Speaker if I am not mistaken. There was express reference to this question of reform on social and religious matters and they were definitely considered peculiarly fit for the Provincial Legislature. Hence they were not put down in the Central schedule. It is not as if the wisdom

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of the Parliament of England led to the conclusion that the Governor-General alone can legislate with respect to social or religious matters of this kind, and that neither the Provincial Legislature nor the Central Legislature will have the right in this matter. I need not labour the point further. I submit there is no force in the point of order raised."

MR. J. A. SALDANHA:—"I raise, Sir, another point of order from the point of view of another section of the Act. The section I want to refer to is section 298. It consists of two parts; I shall read the whole—

'(1) No subject of His Majesty . . . shall on grounds only of religion, place of birth, descent, colour . . . be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation . . .

'(2) Nothing in this section shall affect the operation of any law which . . . or recognizes the existence of some right or privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law . . .

"First of all there is a right on the part of the higher class people to exclude the depressed classes. That is by custom. The members of the higher class are for a long time accustomed to exclude the people of the lower caste. Then there is also the disability which is attached to the depressed classes who are excluded from the temples. Therefore from both points of view, under this section this Bill is *ultra vires*. I do not dilate further upon it. The section is very clear and I do not know whether this was referred to in the Assembly. I did not read the debate on the subject. I may be excused if I am wrong.

"The other point is this: we are not under the ordinary canons of interpretation of a statute entitled to look into the literature. We must take the law as it is. The words mentioned in the Concurrent list or the Provincial list are only religious endowments, that is to say, endowments of property attached to the temple and not the temple itself. Entry into the temple is a religious matter and no law can be made, which will interfere with the religious rights of the people. It is a fundamental principle of the Government of India Act and of the Government in British India, that no right of a religious matter can be interfered with. Neither the Government nor the Legislature have got the right therefore to interfere with the autonomy of caste in religious matters or in internal religious affairs. That is the point of view with regard to the argument urged by my Hon. friend to look into the literature. You must take the Act as it is, the list as it is. I think that it is for that purpose that this section has been deliberately embodied, that is, the internal administration, the religious autonomy of a community by custom or law ought not to be interfered with. Therefore I submit, Sir, that this Bill is *ultra vires*."

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THE HON. SRI C. RAJAGOPALACHARIAR:—"As the first point has been again referred to by Mr. Saldanha, I only want to say this with reference to the repeated argument that he is well aware that even ceremonials in our temples have become subject-matters of disputes in courts and adjudications and decrees in courts. The whole of the property is dealt with rightly by the courts. The temple itself and the land on which it is situate are also part of the endowments of the temple and therefore entry into such temples and the enjoyment of such places relate to property. All this certainly form part of property and fall within the jurisdiction of courts as well as the laws and therefore can be dealt with by the Legislature as well as by the Judges. It is impossible to construe section 298 in the manner suggested. Clause (1) of the section says:

'No subject of His Majesty—I am leaving out some words— . . . shall be prohibited on grounds of religion, place of birth, descent, or colour or any of them from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.'

"If at all, you can say from this sub-section that even without this legislation the persons who are sought to be excluded can come and say we cannot be excluded under the Government of India Act. Sub-section (2) therefore protects the existing law:

'Nothing in this section shall affect the operation of any law which . . . recognizes the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.'

"Sub-section (2) does not say no law shall be made which shall hereafter affect or enlarge; all that it says is that the general law laid down in sub-section (1) does not cancel the existing laws or rights with respect to these. Hence, the necessity for a Bill of this kind. It is therefore clear that section 298 does not rule out any legislation whatsoever; it merely gives a general charter of equal treatment for all and limits it by existing laws. Therefore this section does not apply at all. As for the point of Mr. Nayudu, that the omission of any words as to religion makes this Bill ultra vires, the words 'religious endowment' should include within its scope the introduction of this Bill. I submit, therefore, Sir, that neither point of order is right."

MR. PRESIDENT:—"I have consulted legal opinion and I am armed with legal advice. I rule out the point of order."

DR. SIR K. V. REDDI NAYUDU:—"I rise to give expression to my whole-hearted support to this Bill. It serves a long overdue reform. Unfortunately the previous Governments could not interfere in these religious matters on account of a promise made by the late Queen Victoria in whose proclamation the statement has been made very rightly that the Government would not interfere and should not interfere in religious matters. But, Sir,

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3 p.m. now we have got provincial autonomy and self-government and as such this is the proper time and I think it is the duty of the Members of this House to congratulate Government on this excellent reform. Under the guise of that Proclamation several reforms which should have been introduced long ago have been put off. Speaking on this matter of temple-entry, Mr. President, I may mention here that while I was in South Africa, when I raised an objection to a practice which was prevailing there, namely, the practice of having a separate congregation for Euro-Christians and a different congregation for the Indian Christians, the answer readily came forward, 'Would you allow the depressed classes in your country to enter into your temples?' I had no answer to give except to bow down my head in shame. That shame has been removed to-day.

"It is unnecessary, Mr. President, to refer to the various arguments that are in favour of this Bill. Hinduism has ceased to be a religion for those people, whom you have prevented from entering into the temple of God. It is impossible to conceive of a greater shame than that a member of the same religion should have been prevented from entering into temples. I do not therefore propose to repeat the arguments that can very easily be advanced. I would certainly say this: on the day on which the upper classes in Hindu society prevented a section of their own co-religionists from entering temples, the downfall of this country was doomed, and its doom was sealed. To-day, an attempt is made, an honest attempt is made to remove this great wrong. True, I would have very much wished that the wider Bill which my esteemed friend, Mr. Rajah, introduced in the Lower House had been passed. True, I would very much wish that this Bill is a little wider than what it is to-day. True that that the Hon. Minister in charge of the Bill could have extended the right of vote, when the right of entry is to be decided, to all the voters of that locality and to the depressed classes. These are no doubt defects. But as one who has always advocated progress by stages I do not think I should take serious objection to the present Bill. The old saying goes, 'Hasten slowly,' 'festina lente' has the Latin proverb. And let us hope that as time advances not only will the operation of the Bill be extended to other districts and to other areas, but that the right of voting on the question of entry would be extended to the depressed classes as well; and what is more, the time may not be far off when without any such elections the Government would bring forward a Bill which would give the community, which would recognize as the birth right of our co-religionists, the right to enter into these temples as well as any body else.

"Mr. President, I do not claim to support this Bill on the ground that I am a social reformer. I am a devotee myself of a

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particular temple in my native place in Rajahmundry. There was never a day, when I did not attend that temple, whenever I happened to be in my place, Rajahmundry. And as such my co-religionists will believe me when I say that I honestly think that this is a reform long overdue, that I honestly think that we should have admitted these people much earlier than this day; and when the opportunity has arrived, let us grasp it with all the enthusiasm we can command. The Hon. the Prime Minister asked us to give our blessings to this measure. Well, Sir, there were occasions and there were persons who would deny the right to bless. (Laughter.) I do not claim it. But you may take it from me, it is not a blessing; it is the arm of God that His mercy has extended to our fellow-countrymen."

SRI RAO BAHADUR M. RAMAN:—" Mr. President, Sir, it is with a certain amount of diffidence and disappointment that I rise to make a few observations on the Bill before the House. Any attempt, however, imperfect and small to remove inequality among men and to allow them equal opportunities in the performance of their social and religious duties must be welcome to every one who has the interest of his country at heart. It is in that spirit that I view the Bill and submit my observations.

"I unhesitatingly support this Bill, although I feel a Bill of this kind should go much further. A very large section of our Hindu community has been for centuries made patiently to suffer ill-treatment and although Hindus in faith, they have been denied by Hinduism that respect which is the elementary right of every human being. Their touch, contiguity, shadow and sight are deemed to be polluting. They are not allowed the freedom of life not denied even to a dog. Over seven millions of our own people have thus been practically kept out of religion and society. As is usual in our country, this ill-treatment is ascribed to Sastras, Vedas and Meemamsa, thus disarming opposition. Other people who cannot claim better refinement and higher morality and who are considered even as a pest of society have a recognized place in Hindu society and are free from the stigma that is the lot of this class of our fellowmen. Their exclusion from temples has no parallel in any other religion. The treatment of this class of people appears to be especially bad in South India. As was said by Swami Vivekananda some years ago, the super-arrogated excellence of birth of any caste in India is only pure myth and in no other part of the country has it found a more congenial soil than South India—and let me add that in no other part of South India has it found a more congenial soil than in Malabar. There, even a Nayar cannot come nearer than six paces to the Nambudri; a Thiyya cannot come nearer than 36 paces; and an Adi-Dravida cannot come nearer than 96 paces, that is,

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nearly half a furlong. The Avarnas, while going along roads and footpaths, have to go on shouting to prevent caste Hindus from coming within the polluting distance. I have not the time nor you the patience to enter further into this extraordinary system of oppression. And it is here that the Act will operate now. You are all aware that attempts at legislation have all failed in the past through the violent agitation of the orthodox Hindus. The present half-hearted and halting measure is evidently a concession to orthodoxy. While we expected a Bill more comprehensive and bold, you see one completely anæmic and lifeless. The limitations in the Bill are likely to be very prejudicial to the cause of rapid and successful realization of the reform contemplated. Limiting it to one single division is a handicap. Entry into temples scattered over different districts would have had much of cumulative effect and would give such impetus that the reform will become popular soon. Selection of Malabar is no doubt a matter of pride to us, the sons of that soil; but it is doubtful if it is a wise step. If the framer of the Bill had real faith in what has been done by the gracious act of the enlightened Maharaja of Travancore there was no need to waste time, in a kind of experiment in another part of Kerala. Having excluded the family temples and private temples, entry could have been enforced in all the public temples all over the Presidency, or, at any rate in Malabar, as was done in Travancore. The Bill ought to have been made compulsory and not permissive. When the object is to remove an age-long blot and disgrace on the Hindu community, permissive legislation has no place.

“ The Bill is applicable only to temples with an annual income of not less than five thousand rupees, and these are probably only about 47 or 48 in number. What about the other temples? It would look strange if the excluded classes are allowed entry in a few big temples, but are shut out of smaller temples. Therefore the exclusion is unnecessary and unwise. It would give a wrong impression to the people concerned that the legislators themselves are hesitating. Avarnas are not allowed to vote at the referendum. This is not only unjust but is an insult to them and to their self-respect. There is on the whole the appearance of a kindly gift from the caste Hindus, whereas they claim it as a matter of natural right, their very birth right. I have been wondering what the Government would do next if in the next two or three years one or two temples are opened to the Avarnas in Malabar. What about other districts?

“ I shall sit down after making one or two remarks in the shape of an appeal to my caste Hindus of Kerala. I appeal to them to brush aside Vedas and Meemamsa for the moment if they are

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obstructive to the reform; let them follow the spirit of the times. As long as the Avarnas remain as Hindus, treat them as Hindus on perfectly equal terms. If you are not prepared for it, do not try to detain them in your fold by false hopes and philosophical excuses. Leave them to chalk out their own plans for their future. In your own interest and in the interest of your religion be fair to a class who have wonderfully stuck on with a loyalty and faith all to their credit. Let my friends in Malabar also remember the wise utterances of the illustrious sons of Kerala, of Sri C. Sankaran Nair, Dr. T. M. Nair, Rama Ayyar and Ullur Parameswara Ayyar. Mr. Parameswara Ayyar is an orthodox man, a great poet and a great writer and a distinguished son of Kerala; and he said on the 12th December 1932—that is almost exactly six years ago—I thought this Bill would be moved on the 12th of this month—that Vedas and Sastras did not object to a reform of this kind and he quoted various authorities in support of his statement. Therefore, follow the good example set by these and a host of other eminent men and win that glory that will be yours when this is done!”

SRI B. NARAYANASWAMI NAYUDU:—“I rise on this occasion not for the purpose of saying that this Bill should be opposed, but for the purpose of saying that it is absolutely inadequate; and I say most advisedly that it is inadequate and unworthy of the tradition of the Congress Party to which the hon. Members opposite belong. The one fundamental thing necessary with regard to the national reconstruction of India is Harijan absorption; it is not a question of Harijan uplift; it is a question of Harijan absorption; that is the real, fundamental, core of the problem. This problem of Harijan absorption has not been undertaken. The Harijans are the man-power of the land; they are the main man-power in India; and so far nothing has been done to take up that man-power; no attempt has been done to utilize that man-power; and it is nothing short of criminal folly not to have done that till now. Now the question is, whether Harijan absorption has been attempted in the right manner. I say, it has not been done and that for one simple reason set out in the preamble of the Bill. This is what the preamble says—

‘And whereas it is just and expedient that these doubts should be removed and the trustees should be empowered by law to extend to all classes of Hindus the right of entry into, and worship in, temples if the Hindus in the locality who are now entitled to such entry are generally in favour of such extension.’ 3-15 p.m.

“Is the question of Harijan absorption still in balance? Is it still to be settled by a Hindu electorate as to whether they are to be absorbed or not? Is it still a question for debate as to whether they are to be absorbed or not? I do submit that it has been solved already. It has been solved politically when we said

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that we do not want separate electorate but that we want only joint electorate. In fact it is Gandhiji that made the fast when separate electorate was proposed. If in a political field you had agreed to state that the Harijans belonged to us, that they cannot be separated from us, that we must have joint electorate and otherwise it is impairing national solidarity, if that is the attitude with regard to the Parliamentary Committee report, is it right for you to say now that we will put the question to vote? Is it right to say that they shall not be one with us so far as religion is concerned? Is that the programme of the party? Is it a programme justly to be adopted hereafter? Is it not a fact that in regard to the Local Boards Act Dr. P. Subbarayan said that they are part of the Hindu society. It is an accepted political maxim. Therefore I say what is the meaning of Government saying in this Bill that if you put it in the first instance in the Malabar district, some people will vote for it and some people will vote against it, and the question will have to be decided by votes? If prohibition programme is necessary, this is more necessary because it is a question of the man-power for which you are asking Swaraj. Throw open the temples in Malabar. See what people say and then if it is found feasible extend it. That is the policy of evolution. That is progress step by step. When you have asked for joint electorate it is unworthy of the traditions, it is unworthy of the nation which stands for elections. As for prohibition programme, it is not an experiment. It is a first step in the programme. Even supposing caution is needed, why not bring an Act applicable to Malabar and then extend it to the other districts according to the consensus of public opinion? Is it the first step or an experiment? Is not the prohibition programme before you as a guide? Make it compulsory in one district and optional in other districts. You have got full Governmental powers. I do not see the reason for this provision. Therefore the Bill is absolutely unworthy of the traditions and therefore I do hope they will not stand on the technical side, and say let us go back to the Assembly. Let them accept an amendment and take away the question of elections altogether because it is absolutely too late to say we will go back for elections in the matter."

SRI RAO BAHADUR M. RAMAN:—"I am seconding."

MR. PRESIDENT:—"There is nothing to second."

* SRI D. MANJAYYA HEGDE:—"I have got a difficult task to perform here, to oppose this Bill."

MR. PRESIDENT:—"The hon. Member will please raise his voice."

* SRI D. MANJAYYA HEGDE:—"The amount of support the Temple Entry Bill has received in the other House and the

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general attitude of the House, on this side and the collective opinion I received from the temple-going people who are not in favour of this Bill in my constituency on the other side makes my position embarrassing. I am not speaking for the sake of opposition. Because I am a representative of the constituency, I feel it my duty to express their view. It is all right to say that we are all equal before God. Probably from the philosophical point of view there is no distinction between man and man. God is not affected by the entry of this man or that. Nor is it right to say that God is present only within the four walls of the temple. Philosophers do not have the need to go to any temple for their worship. God is in their heart and they can worship him better there than in temples. This philosophy holds good to all great religions. But we are not all philosophers. The question is not one of philosophers. From the social point of view things are different; we are given certain regulations and laws to observe, which we are bound to obey from time immemorial and we are accustomed to such usages and habits and we cannot get out of them suddenly. Our temples and other religious institutions are merely creatures of Agama rules which are laid down in our Shastras. But in the initial stage of our spiritual development we are given to observe certain rules of conduct. But as long as we respect such rules we have no reason to override them. But if you feel necessary to go according to the spirit of the time and to change our customs and conduct according to the trend of world forces I think it is better to move the religious heads who only are competent enough to bring such changes. Then only it will have a peaceful evolution in our customs. By all this I do not mean that you must not help the excluded classes in their progress. For this we must try our best to uplift them both economically and socially by contributing money and other means. For this the Government can legislate to get money from the high caste people. Getting votes from Assembly voters as provided in this Bill means not even 10 per cent of the people who go to the temples. For these reasons I am not in favour of the measure proposed."

* SRI K. MADHAVA MENON:—" Mr. President, it is really gratifying to us the people of Malabar that we have been given an opportunity to clean ourselves of that name 'the land of the lunatics' which Swami Vivekananda gave us. It is more or less a myth now that untouchability is found in its worst form in Malabar. As my hon. Friend Mr. Raman pointed out various castes and sub-castes could be picked out. But they are only handful and practically untouchability is not observed except in temples. It has taken shelter only in temples and no where else. It will be made possible by the help of this Bill to drive it out from the temples also. Then it will be of help to the other districts

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in the Presidency. Certainly objections with righteous indignation were raised by my hon. Friend Mr. Narayanaswami Nayudu. I want to answer one or two things mentioned by him. Government were so considerably eager in introducing the Prohibition Act. If they feel really enthusiastic why don't they pass a Bill compulsorily throwing open these temples. The answer is obvious. In the one case the object of the Bill was to close down the shops. In the other case the object is not to close down but to throw open. That is the reason why they are not using force for forcing temple entry down the throats of people. The result may be calamitous. Mr. Narayanaswami Nayudu raised another point—perhaps it was another hon. Member—why do you restrict the votes to caste Hindus alone? why not give the votes to all Hindus including the depressed classes? It cannot be done, because, to do so will be an act of hypocrisy. There will be no meaning in taking a vote in regard to this matter in Malabar, because in Malabar the non-caste Hindus, people who are not allowed to go into the temples, are much more numerically than the caste Hindus and we know what their opinion is on this question. So where the non-caste Hindus are numerically double the caste Hindus, there is no meaning in taking a vote upon the question whether they should be allowed to go into the temples. The more honest course will be to accept the suggestion of Mr. Narayanaswami Nayudu and open the temples without any vote. There is, therefore, no meaning in saying that vote should be given to all Hindus. Our object is to take the caste Hindus with us, if possible to convert them to the view that the Harijans ought to be allowed entry into the temples and that their exclusion is a thing which is against religion. (A voice: 'Votes need not be given to all'.) Some hon. Friends have been made to believe that there is a considerable opinion in Malabar against this Bill, that popular opinion is not ripe for a Bill like this, and that various people have sent memorials and representations to Members in this House saying that this Bill ought not to be allowed. I may assure these friends that the opposition to this Bill is insignificant in Malabar. There are some men, particularly some orthodox Nambudris headed by the Raja of Kollengode, saying that the people in general are against it. It is not so. We have proved it by a referendum in Ponnani taluk taken when the Congress was not in power and when there was no machinery, no organized machinery, for taking it. The non-official agency that took this referendum showed that about 75 per cent of the caste Hindus recorded their votes voluntarily in favour of allowing entry to Harijans in temples, and that was in Ponnani taluk where the greatest temple in Malabar, the Guruvayur temple, is situated. The bogey created by some rich landlords and interested persons against this Bill should not deceive anybody. Genuine opinion in Malabar is not

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against this Bill. I can vouch for it. One need not have any fear about the success of this measure in Malabar. We have guaranteed to the Premier before he thought of this Bill for Malabar that we could get it through without difficulty and I hope and maintain that there will be no difficulty over this Bill in Malabar."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
"Mr. President. I rise to give my hearty support to the Bill in the view that something is better than nothing. I do not want to say more on this subject now. I am glad to hear Mr. Madhava Menon saying that there will be no difficulty in giving effect to this Bill in Malabar though I was told quite the opposite by some of my friends. I wish him success in his attempt to make the measure a success in his district."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I must thank the Leader of the Opposition for giving his warm approval and encouragement for this work. I am more thankful even for his statement that this is a very mild proposal. When I go to his own native district I can now claim any amount of support from him. (Rao Bahadur N. R. Samiappa Mudaliyar: 'Certainly.') When this comes into operation in that district, the strength of this statement of his will enable the work to succeed beyond doubt. I know that his support is not a matter which can be lightly valued. I am also glad at the indignant extremism, if I may say so, displayed by my hon. Friend, Mr. Narayanaswami Nayudu, whose help we shall want when we go with this measure to certain other parts of the country. I hope that this heat and this passion will remain at that same level at that time. (Sri B. Narayanaswami Nayudu: 'I am sorry.') I must ask leave of him, Sir, to say that I did not understand what it is that he told me. He is very angry with the nation. He is very angry also with the Congress Party. The Congress Party has already decided it. Gandhiji has already fasted for this. Why you come and ask us for opinions and votes and so on? I am at a loss to understand what he wants me to do. Are we to say, we do not want the Bill; we shall go and open the temples? Is that what he wants me to do? (Sri B. Narayanaswami Nayudu: 'Not at all.') Does he propose that I should move a measure here which, without asking for the opinion of the House, says that as soon as this Bill receives the assent of the two Houses and of the Governor, the temples shall be opened and that if they do not open, Mr. Narayanaswami Nayudu and I go and open the temples and carry on. I am unable to understand. That is why I am putting it in this way. (Sri B. Narayanaswami Nayudu: 'The trustee shall open it.') The trustee shall open it! Mr. Ramalingam Chettiyar was just now telling me his doubt about the opening of temples. He even doubted the

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reference to the Government. If the trustee does not do so, what do you propose to do and I asked him a similar question. The word 'shall' is not a formula for the opening of temples like the formula 'sesame' in the Arabian Nights. We must have the temples opened. It is necessary, when we are dealing with human institutions, with institutions depending upon the co-operation of many men at the same time—these institutions are not like the rubber-stamp where if a peon is asked to put a stamp, the stamp is seen on the paper—when dealing with human institutions where men have to co-operate with their hearts, with their intelligence and with their bodies and their spirit and all at the same time in a manner which, were the slightest pressure put, would make the procedure useless, that we should be extremely careful. Where everybody has to carry on according to forms, according to precedent and according to custom, and not only that, everybody has to feel that everything has gone on according to custom—and if anybody feels that anything has gone wrong, it is looked upon as a useless thing—in institutions of this kind, it is no use saying that even after Gandhiji has fasted, and even after so many years of talking, it is unnecessary to divide the people for opinion on this matter.

"Sir, my hon. Friend has been most contradictory in his indignation. He says this will divide the people. Have we not enough divisions in panchayat elections. Of this I have no doubt he has much experience. Have we not division everywhere? Why do you want this further division? Now, what does that indignant argument mean? It means that the people are divided over it. If that is so, if the people are divided over this, does he want me to order by compulsory legislation, by somehow wheedling these two Chambers to agree to compulsory legislation, the opening of these temples and thus go and divide the people not on the legislation but on the opening of temples? What will division on the opening of temples with compulsory legislation mean? Division of heads and not division of votes. I am surprised at a very commonsense man, if I may use a bad grammatical expression, a very commonsense Member of this House tendering this advice gravely. Perhaps the indignation, which is quite justifiable in this matter, is responsible for a little bit of forgetfulness. I can quite understand anger, but I cannot understand the grave advice given to the Mover of this Bill to give up the idea of asking people and to steer through a compulsory piece of legislation. This is not a matter which can be disposed of in that manner at all. Because I belong to the creed of the Congress, because this matter has been, so far as we are concerned, finally disposed of, I ventured to bring this measure, even without putting it before the people to get a mandate before the elections. Some people were asking that we should place this before the

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people, get a mandate and then alone bring this measure. Mr. Narayanaswami Nayudu was telling us that so far as the Congress Party is concerned, this is disposed of. He is perfectly right. That is the reason why we come with this measure even though this has not been specifically placed before the people. But that argument is carried beyond its legitimate scope and degree when Mr. Narayanaswami Nayudu says that there is no reason to ask anybody about it and that the thing can be done by simply issuing a proclamation in the same manner as the Maharaja of Travancore did. I wish, Sir, that this Government, composed as it is of me and a few others, had the power constitutional as well as moral to issue such a ukase to the people and get it done. If we had quite half of the people here and in the other House, quite half of the leaders of society such as Mr. Narayanaswami Nayudu certainly is, guaranteeing to us that they will carry through such a compulsory measure, even as the dictators the world over are carrying things through in Europe, nobody will be gladder than myself in accepting such help and in carrying it through. But it is impossible, it is not possible to get the temples opened in that manner. If we are convinced and if we feel so strongly about it, then we feel the responsibility of it. If I could make an indignant speech and criticise a measure, I could make it even more highly pitched than was the speech of Mr. Narayanaswami Nayudu. But since we have to be responsible for getting the thing through, since it is our heart's desire to get it done and not merely to improve in language or in form, since it is our essential programme that this has to be achieved and not merely talked about, all the moderation that has been put in the Bill comes to exist. If I had no responsibility about it, I would certainly have no objection to frame it in the most extremist form that Mr. Narayanaswami Nayudu can adumbrate just now and perhaps improve upon it also. But Sir, it is the seriousness of purpose that explains the comma, the bracket and the semicolon in this measure. It is the irresponsibility of Mr. Nayudu—if he will permit me to say so—that is responsible for the indignation, the wrath, and the entire absence of common-sense which surprised me, to-day in his speech. He has been remarkable throughout his speeches in this House for the very careful manner in which he gives advice, but to-day he seems to have forgotten his usual manner or I do not know what is responsible for it. He has in his criticism—I hope he will forgive me for making these remarks about his criticism in this way—really missed the fact that I am serious and earnest in my statement. Otherwise, I would have been very glad to accept his advice.

“Then, Sir, with regard to the other remarks made by Mr. Raman to the effect that the Bill does not go far enough and that it is not comprehensive enough, I can only repeat what I said

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before, viz., that it is not in the wording of the Act that any defect lies, but it is in the caution that we have to take that any defect lies. After all, these cautions and these precautions only must succeed. If we succeed in Malabar, even in two or three places, I can assure my hon. friend, Mr. Raman that it will ensure all the temples in India being thrown open to Harijans. Sir, this measure has nothing to do with property or anything of that kind. This is a measure which deals with superstition, which deals with custom and not with mere property. Therefore I would submit that a thing done to Harijans is a thing done for all Hindus. But if Mr. Raman believes that Malabar is a difficult place for working this Act, then I submit that we should be glad for having taken up Malabar and *a fortiori* it will be easily done in other places. Therefore his remarks do not apply here. If two or three friends have assured me before and now, that this reform could easily be carried out in Malabar, where is the need to make it compulsory or introduce it in all districts? The success of the reform does not merely consist in the measure being made compulsory. It is not merely a gamble of dice. So we took the advice of our friends in Malabar and found that it is a good ground to introduce this measure in the first instance. We have moderated our demands, we have moderated our tones, and we do not want to frighten our opponents. We want to take them on as much easy terms as possible and not simply talk of big things, but doing little.

“ Then, it was said that it is against self-respect to exclude Harijans from this voting. I would submit there is reason behind this. It is also consistent with the doctrine of persuasion under which this Bill is framed. My friend, Mr. Narayanaswami Nayudu, referred to Gandhiji's fasting and his statement that all the caste Hindus should be made to throw open the temples to Harijans and that we should respect his word. True, we must respect that doctrine, and you may depend upon it that we have not rejected that doctrine. But in this case we thought that caste Hindus should be made to agree of their own accord. It is not by compulsion, it is not by overloading the dice and it is not by including the excluded classes that you get the reform. You must make the included classes to vote of their own accord. Then alone the temples can be said to be opened in a proper form. Otherwise it is not temple entry; it is merely a temple capture. That is why we proposed to give the votes to people who are now in the enjoyment of the temples. The exclusion of the excluded castes from the referendum is a step in the right direction. This is the fundamental principle of Mahatma Gandhi in respect of this matter. He wants to go even further. So far as secular matters in the temple are concerned, we cannot go into that question very effectively. Whether the people are temple-goers or whether they

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are trustees, all of them are entitled, according to existing practice, to take part in the worship within the temples, and all of them are allowed franchise. So, there is no question of self-respect involved in allowing only the included castes to vote. I submit that if the excluded castes remained patient all along, they have now also to remain patient on account of the fact that they have got devotion towards caste Hindus which entitles them to go into the temples; and it is better for the excluded classes, if the caste Hindus themselves invite them (the excluded classes) rather than we use secular powers in the Legislature. So I think there is nothing derogatory in the Bill or against self-respect in not allowing the excluded classes to vote. I think all the points raised come to nothing. If we are earnest about our purpose, we shall achieve our object in the fullest sense of that term, viz., the removal of untouchability and all other disabilities that are now prevalent in regard to temple entry, etc. We shall achieve our object if everybody is warm in the actual execution of his duties as every one is in regard to the substance of the Bill. I particularly thank Sir K. V. Reddi Nayudu for his warm and unqualified support to this measure.

"Sir, one other matter that I wish to refer to is this: Mr. Hegde while referring to this matter has claimed that this Bill is wrong on its merits. He says that we should not pass this Bill to-day. I submit that it would be suicidal not to adopt this measure. So far as the Hindu religion is concerned, what is the good of the opposition which Mr. Hegde represents? What is the good of that opposition if the whole world recognizes that these excluded classes, the Harijans, belong to Hindu religion but if they are left unrepresented in our own country and disliked by our own people as not fit to enter temples? I submit that it is unwise and suicidal for the orthodox people to stand against this measure now."

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

Sub-clause (4).

SRI B. NARAYANASWAMI NAYUDU :—"I beg to move the amendment that stands in my name as follows:—

'Delete the words "which is open to the bulk of the worshippers" occurring towards the end of sub-clause.'

"The reason for this amendment is obvious. What I have in my mind is that certain places in temples are reserved as exclusive sacred places and even the caste Hindus cannot enter them. My submission is that this should not be so. Of course, it may be

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necessary to say that on account of want of accommodation only four persons or three persons could be accommodated in a particular place. That is a different thing from saying that you cannot enter a particular place. Is it democracy to believe that a particular part of the temple should be thrown open only to certain people and not to others? Therefore, I move my amendment."

* SRI RAO BAHADUR M. RAMAN:—"I second the amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, Mr. Narayanaswami Nayudu has explained very clearly that some of the portions of the temple are considered so holy and sacred that nobody is even allowed to enter them and he wants all such portions should be opened under this Bill not only for the excluded classes but for the first time even to the included classes. I have nothing to add to what I said in regard to his extremism to-day. It seems as if he is determined to be most unreasonable in all matters concerning this Bill. I cannot accept the amendment."

The amendment was put and lost.

Clause 2 was put and carried. Clauses 3, 4, 5, 6, 7, 8, 9, 10 and 11 were put and carried.

Clause 12.

SRI B. NARAYANASWAMI NAYUDU:—"In view of the amendment that I propose to move under clause 1, sub-clause (1), viz., 'to omit the word "Malabar" and substitute the word "Madras"', I request that clause 12 may be taken up later. If my amendment to clause 1 (1) is accepted, then my amendment to clause 12 will only be a consequential amendment. So I request that clause 12 may be taken up after clause 1 is passed."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The proper thing would be to put clause 12 first."

Clause 12 was put and carried.

Clause 1.

MR. PRESIDENT:—"The question is that clause 1 do stand part of the Bill."

(At this stage Mr. B. Narayanaswami Nayudu rose to move his amendment under clause 1 but was not allowed to move it as he did not move the amendment under clause 12.)

THE HON. SRI C. RAJAGOPALACHARIAR:—"Obviously there has been a mistake. Mr. Narayanaswami Nayudu has withdrawn all his amendments to clause 2, but he apparently intended

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to move his amendment to clause 12 and also his amendments to clause 1, i.e., to the title and the preamble, because he wanted to convert the word 'Malabar' into 'Madras'. Therefore the proper procedure would have been to have dealt with the amendment of Mr. Narayanaswami under clause 12 first. If that amendment had not been accepted, then he would have withdrawn his amendments to other clauses. Therefore amendment to clause 12 should have been put first."

MR. PRESIDENT:—"Yes, yes, clause 12 was already put. But he did not move his amendment."

SRI B. NARAYANASWAMI NAYUDU:—"Yes, yes. I do not quarrel over that small matter now. I know what the fate of my amendments would be."

Clause 1 was put and carried.

4 p.m.

The preamble was put and carried.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I move that—

'the Bill be passed into law'."

The motion was put and carried and the Bill was passed into law.

IV.—MOTION *RE* AMENDMENT TO SCHEDULE V TO THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

THE HON. SRI B. GOPALA REDDI:—"Sir, I beg to move—

'That the following draft of a rule proposed to be made by the Government of Madras under section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) amending Schedule V to that Act be approved:—

Draft Rule.

"In clause (o) of the said schedule, the word 'the' occurring before the words 'wholesale trade' shall be omitted."

"Though this is a simple and verbal amendment, it has been brought forward because of a decision against the Calicut Municipal Council, given by the Revenue Divisional Officer there. So, the Government have thought it fit to delete the word 'the' before the words 'wholesale trade.' The motion may be accepted by the House."

The motion was put and carried.